

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In re:

Docket to Determine the Compliance
of BellSouth Telecommunications, Inc.'s
Operations Support Systems with State
and Federal Regulations

BellSouth Telecommunications, Inc.'s
Entry into Long Distance (interLATA) Service in
Tennessee Pursuant to Section 271 of the
Telecommunications Act of 1996

Docket No. 01-00362

Docket No. 97-00309

**COMMENTS ON WHETHER DOCKET NO. 01-00362
SHOULD BE CONSOLIDATED WITH DOCKET NO. 97-00309**

Pursuant to the Pre-Hearing Officer's Notice of Hearing and Filing Schedule (Docket No. 97-00309) dated July 30, 2002, AT&T Communications of the South Central States, L.L.C. and TCG MidSouth, Inc. (collectively "AT&T"), the Southeastern Competitive Carriers Association ("SECCA"), and MCI Worldcom, Inc. (collectively the "CLECs") hereby submit to the Tennessee Regulatory Authority ("TRA" or "Authority") their Comments on Whether Docket No. 01-00362 Should Be Consolidated with Docket No. 97-00309.

The CLECs urge the Authority to maintain separate dockets for evaluating BellSouth's Section 271 application and the compliance of BellSouth's OSS with state and federal law. As we understand it, the primary reason why the Authority is considering whether to consolidate the two dockets is timing. The Authority, however, can resolve its timing concerns by synchronizing the two dockets instead of consolidating them. Indeed, the Authority has already decided to conduct a hearing for OSS at a different time than the Section 271 hearing currently

scheduled to begin on August 6, 2002.¹ We are not aware of any reasons why consolidation would be a necessary prerequisite to appropriate synchronization.

There are at least two important reasons that support maintaining separate dockets. First, the OSS Docket involves compliance with both state and federal law, whereas the Section 271 Docket involves a single aspect of a particular federal statute. Under Tennessee law, the Authority is charged with promulgating, implementing and enforcing rules to ensure, among other things, nondiscriminatory access to OSS.² In contrast, the Authority plays an advisory role to the FCC with respect to BellSouth's Section 271 application. Given the Authority's different role under each statutory scheme, it is prudent and appropriate to maintain separate dockets.³

Second, the Authority should maintain a separate OSS Docket because the docket has an ongoing function, whereas the Section 271 Docket loses its utility if and when the Authority provides its recommendation to the FCC regarding BellSouth's Section 271 application for Tennessee. It is indisputable that non-discriminatory access to OSS is critical to local competition in Tennessee. It also is indisputable that world of OSS is very dynamic – requirements change, systems change, technology changes, and OSS performance changes. Maintaining an ongoing generic docket for OSS provides all of the stakeholders – the Authority, CLECs, and BellSouth – with an excellent forum through which to improve OSS for the ultimate

¹ As set forth in the witness list submitted today for the hearing beginning on August 6th, the CLECs are withdrawing their previously filed OSS testimony and will submit new OSS testimony for presentation and consideration at the future OSS hearing.

² T.C.A. 65-4-123, 124.

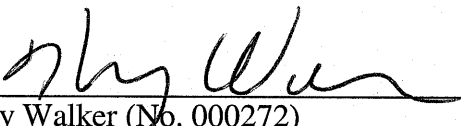
³ It is our understanding that in making its recommendation to the FCC under the current two-docket structure, the panel hearing the Section 271 docket would take administrative notice of its sister panel's finding in the OSS Docket regarding nondiscriminatory access to OSS.

benefit of competition and the consumers of Tennessee. Moreover, given the technical complexity of OSS, it is appropriate to have a single panel with OSS experience hear OSS issues as they arise from time to time. The existing panel for the OSS Docket has relatively more experience with technical OSS issues than the existing panel for the Section 271 docket.

In sum, the CLECs urge the Authority to maintain the separate dockets. The OSS Docket involves responsibilities and issues that go beyond those involved in providing the FCC with a recommendation regarding BellSouth's Section 271 application in Tennessee. The Authority can fulfill its responsibilities to the consumers of Tennessee, telecommunication providers operating in Tennessee, and the FCC through the two existing dockets. While consolidating the dockets might provide a small measure of short-term convenience with respect to Section 271, it would not facilitate the Authority's ability to achieve its overall mission in the long term.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of August, 2002, a copy of the foregoing document was served on the parties of record, via hand-delivery, overnight delivery or U.S. Mail, postage prepaid, addressed as follows:

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